IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2085 OF 2007

Riddhi R. Patade .. Petitioner

Vs

Uttar Bharat Sabha (Regd)
Through its Secretary and Chief Executive Officer
and others ..Respondents

Mr. O.P. Singh for the petitioner.
Mr. A.G. Kothari for the respondent Nos.1 and 2.

CORAM: SWATANTER KUMAR, C.J., &
J.P. DEVADHAR, J.

DATE : 20TH DECEMBER, 2007

P.C.:

We have heard the learned counsel for the parties. The challenge in the present writ petition is to the order of suspension dated 4th August, 2007.

2. It is settled position before us that the departmental enquiry is in progress. However, according to the Management, petitioner is not co-operating and in fact, has taken number of hearings and till date the cross-examination of the Management's witnesses has not

been concluded. On the other hand, the learned counsel appearing for the respondents submits that they have been trying their best to conclude the proceedings but some time the witnesses are not present and some time nominees are not present.

3. Be that as it may, it is not necessary for us to go into any further details of the factual controversy. We dispose of this petition without going into the merits of the suspension at this stage with a direction that the Management witness shall be produced before the enquiry officer on 22nd December, 2007 which is stated to be the next date fixed. On that date, the witness shall be cross-examined and cross-examination be concluded on that very day. In the event if the Management fails to produce its witness, statement of that witness shall be struck off from the record and if the petitioner does not complete the cross-examination on that date, her right to cross-examination shall stand closed. We further direct that the Management shall complete its evidence expeditiously and enquiry officer will make all efforts to conclude the departmental enquiry within three months from the date of passing of this order.

4. Writ petition stands disposed of with the above directions. Parties to bear their own costs.

CHIEF JUSTICE

J.P. DEVADHAR, J.